

**NEW FEATURE IN  
FRANK**

**CASE PERHAPS  
TOMORROW**

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Exchange of Affidavits  
by

State and Defense  
May Re-

veal New Attack  
on Jury

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It is believed that several surprises will be sprung on Monday when Solicitor General Hugh M. Dorsey and Attorney Luther Z.

Rosser exchange affidavits bearing upon the motion for a new trial made by Leo M. Frank, who is under conviction for the murder of Mary Phagan, the pencil factory girl.

Saturday morning, just after Judge Roan had set next Wednesday morning as the date when he will hear the new trial motion, Solicitor Dorsey asked Mr. Rosser to furnish him with copies of any and all new affidavits taken by him since he filed the motion. Mr. Rosser replied by saying that he would do so if Solicitor Dorsey would in turn supply him with copies of all affidavits taken by him.

It was agreed that the exchange should occur Monday morning. Neither Mr. Rosser nor Solicitor Dorsey will discuss the contents of any affidavits in their possession, but it is understood that Mr. Rosser has a number of new depositions which charge that Juror A. H. Henslee was biased when he went into the jury box.

It is also rumored, but unconfirmed, that he has affidavits attacking a third juror. The only jurors cited in the original set of affidavits furnished the solicitor were Mr. Henslee and M. Jochenning.

### SENSATIONS EXPECTED.

Affidavits and depositions taken by Solicitor Dorsey are presumed to be in the nature of discrediting attacks upon those who made affidavits against the jurors and to sustain the jurors assertions that the charges against them are false. Some of these documents are expected to be sensational in character and contents.

Although Judge Roan has set the hearing on the motion for a new trial for Wednesday morning it is by no means certain that Solicitor Dorsey will be ready at that time. He stated late Saturday afternoon that he was working every available minute on the case and was assuming that he would be compelled to go to trial Wednesday.

It was learned from another source, however, that the solicitor had not finally completed his answer to the Frank motion and that he had just begun the work of going through the brief of evidence.

### STUDY BRIEFS.

Leonard Haas, of counsel for Frank, is going through the brief of evidence with the solicitor and agreeing with him on undisputed points. They were engaged in this work all Saturday morning and covered, it is said, but sixty eight pages. The brief consists of about 400 pages, which means that the record of the case has been boiled down from 4,000 to 400 pages.

Mr. Rosser told Judge Roan at the conference Saturday that unless the motion was disposed of by Monday week he would be compelled to devote himself to his civil business which he had been forced to neglect in a large measure by the Frank case. This was taken to mean that unless the solicitor was ready to proceed before that time Mr. Rosser himself would ask a postponement. He indicated that if it was necessary for him to make such a request, he would suggest that the hearing go over to December.

Judge Roan made it clear that he would insist upon a speedy hearing, and it is not believed that he will grant another continuance.

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**PDF PAGE 3, COLUMN 5**

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**HAVANA  
PROMOTER TO**

# SEEK CUSTODY OF CHILD

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Ordinary's Court in  
Stewart

County Gave  
Daughter Into  
Mrs. Barlow's  
Care

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The fight of J. E. Barlow, millionaire promoted, of Havana, Cuba, for the possession of his daughter, Madeline, will be staged in the superior court of Lumpkin, Stewart county, on Monday, when the certiorari from the ordinary's court, which gave the child to Mrs. Edith Barlow, will be argued.

With Mr. Barlow, Attorneys Burton Smitha and Frank A. Hooper will leave for Stewart county Saturday night.

The ordinary's court gave the custody of the child to the mother after it had been awarded by the superior court to the

father, on the ground that Mr. Barlow had violated the higher court's order by not allowing the former wife to visit the child.

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**PDF PAGE 1, COLUMN 7**

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**BIRMINGHAM TURNS UP  
MAN**

**WITH PHAGAN  
MURDER STORY**

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**MYSTERIOUS  
PERSON**

**SAYS HE SAW  
DEATH**

# **OF MURDERED GIRL**

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And That Leo M. Frank  
Did

Not Kill Her—His Story  
Im-

pressed Birmingham  
Police

Chief, He Says Over  
Phone

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CHIEF REFUSES TO  
GIVE

DETAILS OF THE  
MATTER

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But Says the Man  
Impressed

Him As Telling the  
Truth.

Story Is Denied Here  
in All

Quarters.

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Over long distance telephone at 2:15 o'clock Sunday morning, Chief of Police Bodeker told The Journal that the mysterious man with the confession in the Frank case works at a trade in Birmingham.

The chief said that he never had seen the man before he entered the chief's office, Friday, with his admissions.

He gave what seemed to Chief Bodeker a good and valid reason for having maintained silence about the matter until then.

"The man impressed me as telling the truth," said Chief Bodeker, "and I advised him to communicate with authorities in Atlanta."

"He sent a telegram to Sheriff Mangum in Atlanta—that is, a man in whom I have confidence told me that he saw him write a telegram saying that he was ready to go to Atlanta and tell what he knew about the Phagan murder."

"Saturday two men from Atlanta, came here and told me that they wanted to see this man, and I told them where to find him. They left. Saturday night they came to my office with him and said they were going to Atlanta later in the night."

"I know the name of only one of those two men. I promised him and also the man who made the statements, that I would say nothing about the matter. This man with the story gave me a reason that I considered valid for his failure to appear in the matter before now. I am not at all familiar with the Phagan case, but if what this man says is true, he can establish the guilt of a person other than Frank."

"This man told me that a friend of his in Atlanta told him on the day of the tragedy that he had an engagement to meet Mary Phagan at noon in the pencil factory. He saw that man later in the same day, he told me, and the man then told him of the death of Mary Phagan at the factory."



"I talked to the man for two hours and a half, going fully into detail, and he answered every question readily. I don't feel at liberty to make public any other details of his statement."

Following The Journal's talk with the Chief Bodeker, Sheriff Mangum, of Fulton county, was called by telephone and asked about the matter again. He declared positively that if any telegram had been sent to him by a mysterious Phagan case witness from Birmingham or anywhere else, he had not received it. His first and only information, he said, about the Birmingham affair came from press reports quoting Chief Bodeker.

Efforts were made to reach Rabbi Marx on receipt of the Birmingham dispatch late Saturday night, but no answer was made to repeated telephone calls. Attorney Herbert J. Haas, of counsel for Frank, declared that he had heard nothing of the Birmingham report.

Chief of Police J. L. Beavers and Chief of Detectives Newport A. Lanford both said that no city officers recently have made a trip to Birmingham to interview or to bring back a witness in the Phagan case. Both denied emphat-

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# **PDF PAGE 2, COLUMN 1**

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# **MYSTERIOUS PERSON SAYS HE SAW DEATH**

# OF MURDERED GIRL

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(Continued From Page 1.)

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ically that they had heard of the Birmingham rumor.

J. H. Kelly, head of the local Pinkerton agency, which was employed on the case by the Frank defense, declared that he heard nothing of the rumor. None of the men connected with his office is in Birmingham, he said.

Sheriff Wheeler Mangum and several of his deputies declared Sunday morning that no men had been sent to Birmingham by them, and were inclined to totally discredit the Birmingham report.

Sheriff Mangum stated only one of his deputies, John Owen, is out of the city, and that he is in Savannah attending to personal business.

## Here Is the Story by Journal's Correspondent

(Special Dispatch to The Journal.)

BIRMINGHAM, Ala., Oct. 18—Accompanied by a detective deputized by the sheriff of Fulton county, a man who says that he saw Mary Phagan murdered and that Leo Frank is not the man left Birmingham Saturday at midnight to tell the whole story of the tragedy.

His confession, made to Chief of Police Bodeker here, implicates a prominent Atlantian.

Chief Bodeker declines to give the name of the person who made the confession, or whom it involved, saying that he is under a pledge of secrecy.

According to the story obtained from the chief, the man who told the story is now employed in Birmingham.

Friday afternoon he walked into the chief's office and informed him that he could tell important details of the tragedy with which Leo Frank had been connected.

His story was to the effect that Frank was not guilty.

The man declared that he was an eyewitness to the affair.

The chief did not hear the story in details.

Instead he communicated with the sheriff of Fulton county and a deputy was rushed to Birmingham. The deputy talked to the man and the latter agreed to go back to Atlanta. They accordingly departed at midnight.

The man's story, so far as can be learned, completely upsets the case made out against Leo Frank.

The person who tells it, and who went back to Atlanta, says that he would have told all he knew at the time of the trial if he had thought Frank was going to be convicted.

He also intimated that he had been paid money to leave Atlanta.

Now, however, he is determined that the whole story should be told, he says.

# **PERSECUTION CHARGE FOR TRIAL BY POLICE BOARD**

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Mrs. Elizabeth  
Southard

Charges Officer J. D.  
Wood

Has Hounded  
Her

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The board of police commissioners will hold a special session Tuesday evening to hear the charges which have been preferred against Officer John D. Wood by Mrs. Elizabeth Southard, who alleges that he has used his office to persecute her.

Mrs. Southard, in a statement issued Saturday by her attorneys, Lewis M. Thomas and Leonard J. Grossman, asserts that she has been persecuted by the police officer since April, 1912, when she saw him assault an old man.

Mrs. Southard declares that then Wood, who she says is a relative of Assistant Chief E. L. Jett, was charged with the assault he approached her and asked her to testify at the trial.

She then told him, she declares that her testimony would injure rather than help him, and since that time she charges that the officer has persecuted her. He circulated a petition, asking that she move from the neighborhood where her residence then was, and since then he has twice instigated charges against her which have been dismissed before the recorder.

Among the witnesses, who have been subpoenaed for the trial of the officer before the police commission are Chief J. L. Beavers, Assistant Chief Jett and Judge Broyles.

Miss Alief Benton, of Macon, sister of Mrs. Southard, who has come here bearing credentials from prominent citizens of that place, charges that the policeman has continually hounded Mrs. Southard simply to satisfy his personal grudge against her.

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**PERSECUTION  
CHARGE FOR**

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# TRIAL BY POLICE BOARD

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